

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )              Case No. 4:15CR0404HEA  
                                )  
ADRIAN LEMONS,            )  
                                )  
Defendant,                 )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's request to reconsider Magistrate Judge Nannette Baker's Order in which Judge Baker ordered Attorney Nick Zotos withdrawn from representing Defendant. [Doc. # 546]. The United States had filed its Ex Parte Motion For Inquiry Into Potential For Conflict Of Interest [Doc. #490]. Several conflict hearings were held by Judge Baker. In her June 15, 2016 Order Judge Baker orders counsel to be substituted, finding "a serious potential for conflict." Although Defendant has filed written objections to this Order, the Court considers Defendant's pleading as a Motion to Reconsider, pursuant to 28 U.S.C. § 636(b)(1)(A) [Doc. #552].

The Court has conducted a *de novo* review of those portions of the Order to which Defendant objects. The Court has reviewed the entire record for this purpose and conducted a hearing on June 28, 2016 relative the objections filed by Counsel

Mr. Zotos.

As Judge Baker concluded, there is clearly a “serious potential for conflict” in this proceeding which therefore requires substitution of counsel. Of necessity and caution to protect the interests of the defendant and the integrity of the process as well as the substantial Due Process interests involved, Mr. Zotos is recused and substituted by new counsel. Defendant has failed to establish that Judge Baker’s Order is clearly erroneous or contrary to law. 28 U.S.C. § 636(a)(1)(A).

The Order is affirmed *in toto*.

Accordingly,

**IT IS ORDERED** that Judge Baker’s Order, [Doc. #546], is affirmed.

Dated this 29<sup>th</sup> day of June, 2016.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE